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Lucent Technologies
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March 5, 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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By Hand

Ms. Magalie Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W., Room TW-A325
Washington, D.C. 20554

Received

MAR 09 1999

Common Carrier Bureau
Network Service Division
Office of the Chief

Re: File No. NSD-L-99-13, Compliance Deadline for Harmonization Order
Regulations

CC DOCKET: 96-28

Dear Ms. Salas:

Enclosed please find an original and four (4) copies of Lucent Technologies Inc. Comments for filing in the above-referenced proceeding. Also enclosed is a copy to be stamped and returned for our files.

Please do not hesitate to contact me should there be any questions.

Sincerely,


Diane Law Hsu

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 68 of the) NSD-L-99-13
Commission's Rules)
)

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COMMENTS BY LUCENT TECHNOLOGIES INC.

Lucent Technologies Inc. ("Lucent") respectfully submits the following Comments in response to the Public Notice, DA 99-342, released February 17, 1999 ("Notice"). The Notice sought comment on the proper interpretation of section 68.2(j)(3) of the Commission's rules. Specifically, the Common Carrier Bureau asked whether it should clarify that the section requires re-registration of previously registered equipment after May 19, 1999. Lucent strongly believes that the Commission should not require the re-registration of previously registered equipment at any point in time.

In the order that harmonized US and Canadian requirements governing the connection of terminal equipment to the public switched telephone network, the Commission stated that "there would be no benefit to requiring the re-registration of equipment already in use and shown not to cause harm to the network. We therefore adopt a grandfathering provision."¹ The Commission further stated that it would amend the new rule 68.2(j) to read as follows:

Terminal equipment and systems registered prior to (date these rules are effective), do not have to be re-registered unless subsequently modified. All new equipment and systems manufactured after (18 months after effective date) must conform to the requirements.²

¹ Amendment of Part 68 of the Commission's Rules, *Report and Order*, 12 FCC Rcd 19218, para. 17 (1997) (*Harmonization Order*).

² *Id.*

The Commission clearly intended to grandfather all terminal equipment and systems that had been registered under then current rules, so as to avoid the re-registration of that equipment.

Unfortunately, the above language did not appear in the appendix that was submitted to the Federal Register. Instead, without explanation, the following was adopted as new rule 68.2(j):

Terminal equipment including premises wiring and protective apparatus (if any) directly connected to the network on (effective date 150 days after publication) may remain connected and be reconnected for life without registration, unless subsequently modified. New installations of terminal equipment, including premises wiring and protective apparatus (if any) may be installed (including additions to existing systems) up to (18 months after effective date), without registration of any terminal equipment involved, provided that the terminal equipment is of a type directly connected to the network as of (register only date). This terminal equipment may remain connected and be reconnected to the network for life without registration, unless subsequently modified.³

Lucent believes that the adopted rule does not accomplish the Commission's stated goal of grandfathering equipment registered under the old part 68 rules. Section 68.2 of the Commission's rules states that "except as provided for in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) of this section, the rules and regulations [of part 68] apply ..." ⁴ to terminal equipment. Section 68.2(j) explicitly states that terminal equipment connected to the network as of April 20, 1997 does not have to be re-registered unless modified. Terminal equipment, installed up to May 19, 1999, also does not have to be re-registered unless modified. Because paragraph (j) does not address terminal equipment installed after May 19, 1999, Lucent believes such equipment is not

³ *Harmonization Order*, Appendix C.

⁴ 47 C.F.R. § 68.2.

included in the Commission's "grandfather" provision. Thus, that equipment must be subject to current part 68 rules and must be re-registered.

The current section 68.2(j)(3) clearly does not achieve the Commission's stated goal of not "requiring the re-registration of equipment already in use and shown not to cause harm to the network." Re-registration of equipment already in use that does not cause harm to the network would serve no purpose and would create unnecessary expense. Lucent urges the Commission to rule that previously registered equipment need not be re-registered. The Commission may accomplish this by either: (1) issuing an erratum replacing the existing 68.2(j)(3) with the language contained in the text of the *Harmonization Order*. The Commission indicated in the text that the quoted language would be adopted in the Commission's rules. An error may have taken place when the Commission prepared the rules for submission to the Federal Register. The Commission is authorized to correct errors contained in orders and rules when those errors are identified; or (2) conducting an expedited rulemaking to replace the existing 68.2(j) with the quoted language from the text.⁵ Either of these actions will reconcile the Commission's stated purpose and its rules.

Respectfully submitted,

Lucent Technologies Inc.

By Diane Law Hsu

Diane Law Hsu
Corporate Counsel
Lucent Technologies Inc.

⁵ Terminal equipment and systems registered prior to (date these rules are effective), do not have to be re-registered unless subsequently modified. All new equipment and systems manufactured after (18 months after effective date) must conform to the requirements.

Roberta E. Breden
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Common Carrier Bureau
Network Service Division
Office of the Chief

March 5, 1999

Ms. Magalie Roman Salas
Secretary, Federal Communications Commission
Room 222
1919 M Street NW
Washington, D.C. 20554

CC DOCKET 96-28

Re: File No. NSD-L-99-13, Common Carrier Bureau Seeking Comments on
Compliance Deadline for Harmonization Order Regulations (DA 99-342)

Dear Ms. Salas:

The Telecommunications Industry Association ("TIA")¹ hereby submits these Comments in response to the FCC's Public Notice released February 17, 1999, in the matter of the Common Carrier seeking Comments on the compliance deadline for Harmonization Order Regulations (DA 99-342).

In its Public Notice, the FCC requests Comment on 47 C.F.R. § 68.2(j)(3), which was adopted in the Harmonization Order that harmonized U.S. and Canadian regulations governing the manufacture of customer-provided terminal equipment. The Commission seeks Comment on whether the paragraph 47 C.F.R. § 68.2(j)(3) requires clarification regarding requiring re-registration of previously registered equipment after May 19, 1999.

TIA believes that the suggested text it initially filed in the grandfathering rules for equipment was appropriate at that time and that the Commission inadvertently copied the wrong set of rules into § 68.2. TIA believes that it is absolutely necessary to avoid re-registration of products already registered under the Rules existing prior to the adoption of the Harmonized Rules, and which have already shown by experience not to cause harm to the network. Further, TIA also believes that re-registration of all previously registered products is an unneeded expense which should be avoided.

¹ The Telecommunications Industry Association is a full-service national organization with membership of over 900 large and small companies which provide communications and information technology products, materials, systems, distribution services and professional services in the United States and countries abroad. TIA represents the telecommunications industry with its subsidiary, the MultiMedia Telecommunications Association, in association with the Electronic Industries Alliance.

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Representing the telecommunications industry in
association with the Electronic Industries Association



TIA also suggests that the grandfathering clause for the Harmonized Rules adopted on April 20, 1998 needs to be renumbered, with its own title, to § 68.2(m), since paragraph (j) of § 68.2 addresses equipment connected to Public Switched Digital Services (PSDS) (Types I, II, and III), whereas the grandfathering clause for the Harmonized Rules actually addresses all equipment.

TIA would therefore recommend that the current § 68.2(j)(3) be removed and replaced by the following paragraph:

68.2 ***

(m) Grandfathered equipment conditions for the Harmonized Rules:

- (i) Terminal equipment including premises wiring and protective apparatus (if any) registered on or before April 20, 1998, do not have to be re-registered unless subsequently modified.
- (ii) New terminal equipment including premises wiring and protective apparatus (if any) manufactured after May 19, 1999 must conform to the Harmonized Rules.

The proposed paragraph is consistent with what TIA submitted in its filing.

Sincerely,



Roberta E. Breden

cc:

Pierre Adornator, Nortel, Chair, UPED
Charles Berestecky, Lucent Technologies, Chair, TR-41
Anh Wride, CCL, Chair, TR-41.9

Attachment 14

Diagram of AfriSpace, Inc. Business

